IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A., Plaintiffs,	§	Civil Action No. 2:17-cv-0275
v.	§	PATENT CASE
RIOT GAMES, INC., Defendant.	§	JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc"), for their complaint against defendant, Riot Games, Inc. ("Riot Games"), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. ("Uniloc USA") is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc USA also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. ("Uniloc Luxembourg") is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Upon information and belief, Riot Games, Inc. is a Delaware corporation having a place of business in 12333 W Olympic Blvd, Los Angeles, CA 90064 and offering its products and/or services, including those accused herein of infringement, for purchase or download to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Riot Games, Inc. may be served with process through its registered agent: CT Corp 818 West Seventh St. Ste 930 Los Angeles, CA 90017.

JURISDICTION AND VENUE

4. Uniloc USA and Uniloc Luxembourg (collectively, "Uniloc") bring this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq*. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). This Court has personal jurisdiction over Riot Games, in part, because Riot Games provides infringing online services to subscribers who reside in this district. Upon information and belief, Riot Games is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products and/or services in Texas and this judicial district.

6. Riot Games is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial presence and business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing and/or soliciting business in Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,110,228)

7. Uniloc incorporates the paragraphs above by reference.

8. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,110,228 ("the '228 Patent"), entitled METHOD AND APPARATUS FOR SOFTWARE MAINTENANCE AT REMOTE NODES that issued on August 29, 2000. A true and correct copy of the '228 Patent is attached as Exhibit A hereto.

9. Uniloc USA is the exclusive licensee of the '228 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

10. Riot Games provides a platform called "League of Legends," which includes client software and server software that services such client software. Riot Games refers to these as "Riot Services."

11. Upon information and belief, the following describes, at least in part, how certain aspects of the Riot Games' platform:

> **THE NUMBERS**
>
> *League of Legends* by player numbers: 67 million playing every month, 27 million playing every day, and over 7.5 million playing at the same time during each day's peak play time.

Source: http://www.riotgames.com/our-games

12. Riot Games provides downloadable patches to League of Legends, which are described as follows:

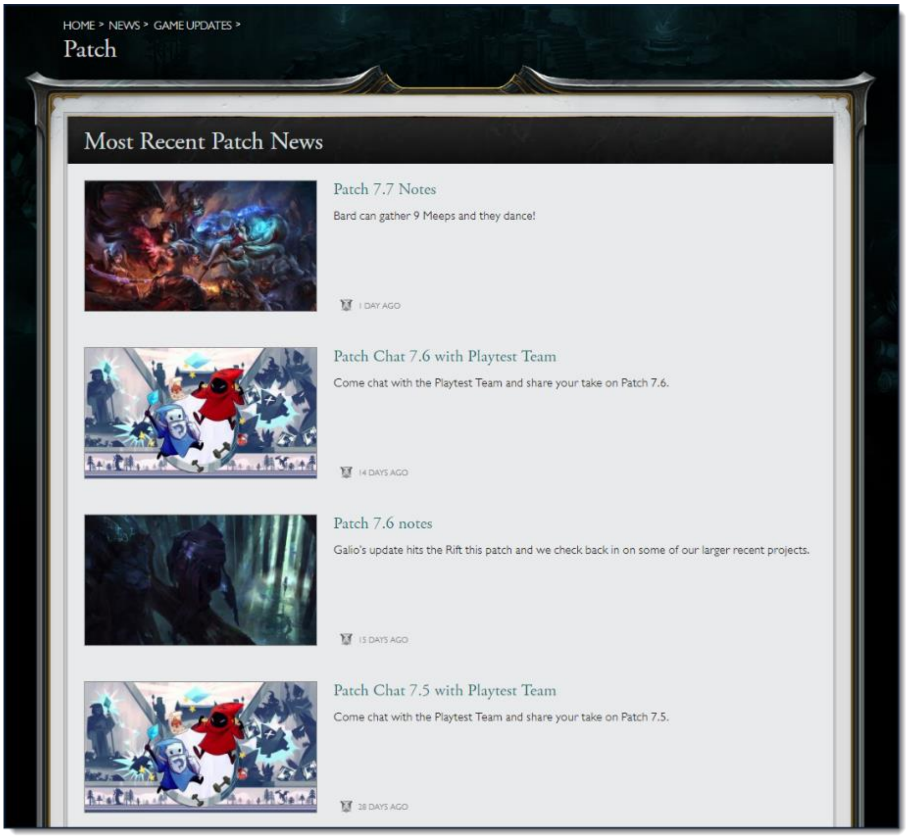
A **patch** (otherwise known as a new **client version**) is a modification to the game files of League of Legends. Every patch will contain one or more of the following materials:

- **New game content:** new or remade champions, items, and skins.
- **Balance changes:** changes made to even out the power balance between champions.
- **Bug fixes:** changes made to correct unintended behaviour in the game.
- **League of Legends and PVP.net features:** Anything new that you will experience on PVP.net or in the game.
- **Backend/development changes:** technology or configuration changes that go on behind the scenes.
- **Patch Notes:** Riot Games Inc.s' official documentation of the changes made.

Below is a table summarizing North American release date with Patch Notes link of the notable events, and, where applicable, the newly introduced champion of each patch.

Source: http://leagueoflegends.wikia.com/wiki/Patch

13. Riot Games lists information concerning such patches on its website:


HOME > NEWS > GAME UPDATES >
Patch
Most Recent Patch News
Patch 7.7 Notes
Bard can gather 9 Meeps and they dance!
1 DAY AGO
Patch Chat 7.6 with Playtest Team
Come chat with the Playtest Team and share your take on Patch 7.6.
14 DAYS AGO
Patch 7.6 notes
Galio's update hits the Rift this patch and we check back in on some of our larger recent projects.
15 DAYS AGO
Patch Chat 7.5 with Playtest Team
Come chat with the Playtest Team and share your take on Patch 7.5.
28 DAYS AGO

Source: http://na.leagueoflegends.com/en/news/game-updates/patch

Patch 7.7 Notes

BY AETHER, COSTY, GENTLEMAN GUSTAF, LUQIZILLA

Got patching problems? Check the Boards for tips and solutions!

"Salutations!

Welcome to the patch 7.7 notes, the one where we've got changes to a lot of different stuff - forgotten supports and weak junglers for starters. Also, the header art's different, so that's neat. (We found a folder of cool pictures from seasons past, so we're gonna start rotating through 'em patch by patch!)

In terms of highlights, we've made chime collecting more rewarding for Bard and given Amumu better tools to help his teammates. Maybe now they'll stick around after the match and be friends. We also have some quality of life buffs to some junglers that aren't so popular right now, such as Volibear and Jarvan IV. Plus, given the MSI hype engine is warming up, we're taking another pass at the competitive scene (the faces will be pretty familiar).

In terms of a *different* kind of Highlight, the updated client's got some improvements to the Highlights viewing experience (spoiler: you no longer have to root around in your file explorer). Those details, plus the rest of our client updates, can be found further down in the patch notes as usual.

That's it for this patch! Buckle up and dive into the buffet of changes below. See you on the Rift!"

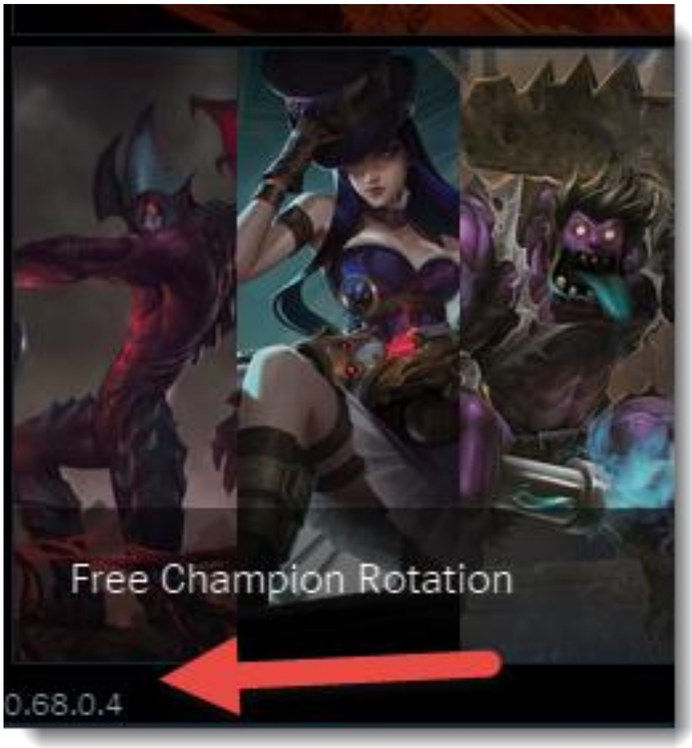
Patch 7.7 Notes

Champions
Summoner's Rift
Lifesteal Interactions
Magic Damage Shield UI
Rotating Game Modes
League Client Update
Highlights Update
Queue Health Update
Bugfixes
Upcoming Skins & Chromas

Source: http://na.leagueoflegends.com/en/news/game-updates/patch/patch-77-notes.

14. Riot Games uses versioning to determine what software components have been loaded.

ABOUT
League of Legends Patcher Version: 0.68.0.4
Third Party Software
CEF
Copyright (c) 2008-2011 Marshall A. Greenblatt. Portions Copyright (c) 2006-2009 Google Inc. All rights reserved.
Redistribution and use in source and binary forms, with or without modification, are permitted provided that the following conditions are met:
1. Redistributions of source code must retain the above copyright notice, this list of conditions and the following disclaimer.
2. Redistributions in binary form must reproduce the above copyright notice, this list of conditions and the following disclaimer in the documentation and/or other materials provided with the distribution.
3. Neither the name of the copyright holder nor the names of its
OK


Free Champion Rotation
0.68.0.4

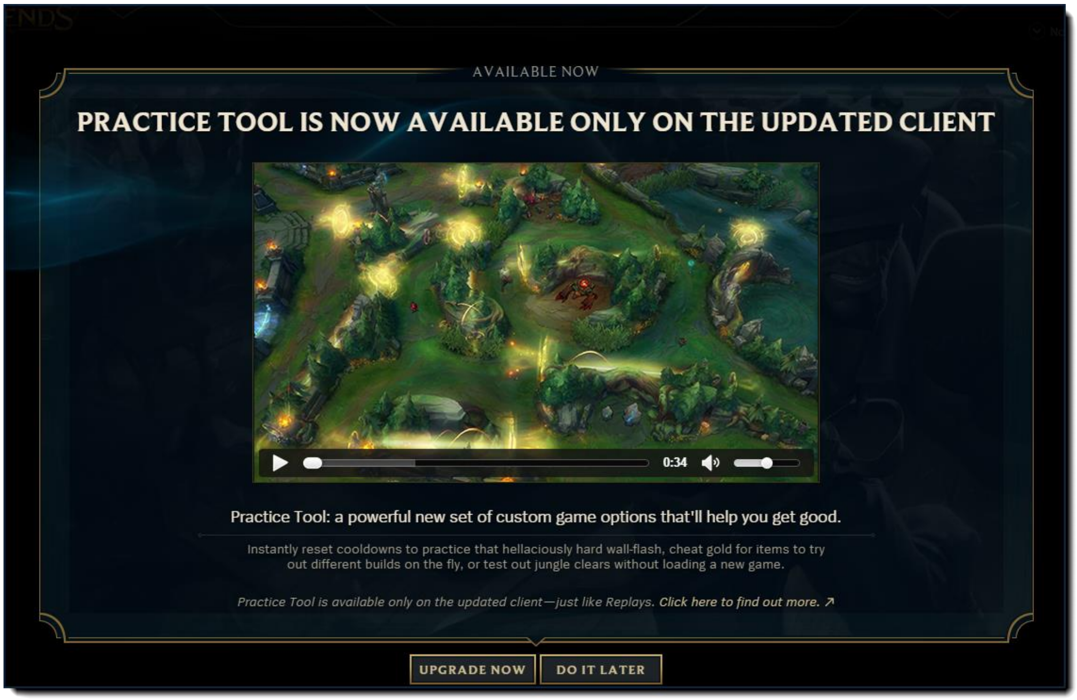
15. The version of a League of Legend client is stored by information on the client, including log and manifest files. Such information is communicated to Riot Games' system for a potential update or upgrade of the client. In certain circumstances, the update is automatic. In other circumstances, a user is allowed to choose whether to update.

16. Riot Games' terms of service describe its Riot Services as evolving with updates.

ABOUT / TOU
Client
GENERAL
SOUND
About
TOU
THIRD-PARTY LICENSES
the revised terms. If you accept the new agreement, you'll be able to continue using the Riot Services. If you decline the new agreement, you'll not be able to use the Riot Services.
8.2. Will the Riot Services stay the same? (No. Like Kha'zix, they will evolve.)
In an effort to improve the Riot Services, you agree that we may change, modify, update, suspend, "nerf," or restrict your access to any features or parts of the Riot Services, including Virtual Goods, and may require that you download and install updates to any software required to support the Riot Services, at any time without notice or liability to you. You also understand and agree that any such changes or updates to the Riot Services might change the system specifications necessary to play the Game, and in such a case, you, and not Riot Games, are responsible for purchasing any necessary additional software or hardware in order to access and play the Game. You also understand and agree that we may use background patching to automatically update the Game and Software in our sole and absolute discretion, with or without notice to you.
9. BOARDS AND LINKS
9.1. Can I use the boards? (So long as you have a valid account and act maturely.)
DONE

Source: product testing

17. The following is an example where one is giving the option for an updated client:


AVAILABLE NOW
PRACTICE TOOL IS NOW AVAILABLE ONLY ON THE UPDATED CLIENT
0:34
Practice Tool: a powerful new set of custom game options that'll help you get good.
Instantly reset cooldowns to practice that hellaciously hard wall-flash, cheat gold for items to try out different builds on the fly, or test out jungle clears without loading a new game.
Practice Tool is available only on the updated client—just like Replays. Click here to find out more.
UPGRADE NOW
DO IT LATER

:

Source: Product testing

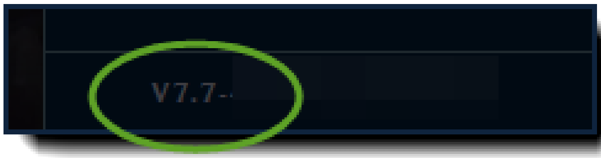
18. When the updated client is selected, a user is provided the following:

2%
DOWNLOADING
1018.8 MB / 4912.8 Kbps
ETA 4 mins
LEAGUE OF LEGENDS
SIGN IN
Username
Password
Remember Me
Region/Language
North America (English)
SIGN IN
Forgot your username?
Forgot your password?
Create an account
Launch legacy client
Disable Login Animations
Disable Login Music
RIOT GAMES
V7.6-

19. From the preceding screenshot, one can see that a remote download for the update has been initiated with a progress bar as to status. Also, the current versions is shown on the bottom right.

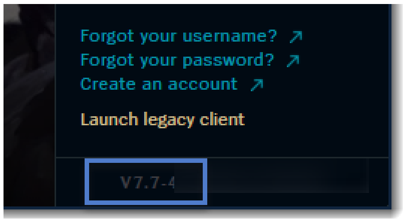
2%
DOWNLOADING
1018.8 MB / 4912.8 Kbps
ETA 4 mins

20. Once the update has completed, a new version number is shown:



21. Subversions are also updated as seen from the below update to Version 7.7:

3%
LEAGUE LEGENDS
SIGN IN
Username
Password
Remember Me
Region/Language
North America (English)
SIGN IN
Forgot your username?
Forgot your password?
Create an account
Launch legacy client
Disable Login Animations
Disable Login Music



22. In both the update process and the operational process, Riot Games' client connects to multiple remote computers. The following are some non-limiting examples:

Network Activity — 275 Mbps Network I/O

Filtered by LoLPatcher.exe, LeagueClient.exe, LeagueClientUx.exe, LoLPatcherUx.exe, X1ServiceHost.exe

Image	PID	Address	Send (B/sec)	Receive (B...	Total (B/sec)
LeagueClient.exe	16208	[illegible]	16,066	555	16,621
LeagueClient.exe	16208	ec2-54-244-20-191.us-west-2.compute.amazonaws.com	355	146	501
LeagueClient.exe	16208	a23-72-136-96.deploy.static.akamaitechnologies.com	40	225	264
LeagueClient.exe	16208	104.16.120.50	20	119	139
LeagueClient.exe	16208	104.16.138.236	20	94	114
LeagueClient.exe	16208	151.101.193.62	3	26	29
LeagueClientUx.exe	31408	[illegible]	555	16,072	16,627
LeagueClientUx.exe	31408	a23-72-137-160.deploy.static.akamaitechnologies.com	277	3,614	3,891
LeagueClientUx.exe	31408	dfw25s27-in-f14.1e100.net	49	513	562
LeagueClientUx.exe	31408	a23-75-234-252.deploy.static.akamaitechnologies.com	52	231	283
LeagueClientUx.exe	31408	a23-75-231-61.deploy.static.akamaitechnologies.com	21	191	212
LoLPatcher.exe	56204	a23-72-136-96.deploy.static.akamaitechnologies.com	330	19,055,105	19,055,435
LoLPatcher.exe	56204	[illegible]	8,760	8,091	16,851
LoLPatcher.exe	56204	ec2-52-88-9-135.us-west-2.compute.amazonaws.com	295	227	521
LoLPatcher.exe	56204	104.16.138.236	45	212	257
LoLPatcherUx.exe	44132	a23-72-137-146.deploy.static.akamaitechnologies.com	2,429	47,996	50,425
LoLPatcherUx.exe	44132	[illegible]	8,091	8,760	16,851
LoLPatcherUx.exe	44132	104.16.3.92	106	12,627	12,733
LoLPatcherUx.exe	44132	a23-72-137-160.deploy.static.akamaitechnologies.com	701	3,824	4,525
LoLPatcherUx.exe	44132	a23-75-234-252.deploy.static.akamaitechnologies.com	159	2,365	2,523
LoLPatcherUx.exe	44132	ec2-52-88-5-62.us-west-2.compute.amazonaws.com	796	1,143	1,939
LoLPatcherUx.exe	44132	server-54-230-121-200.dfw50.r.cloudfront.net	72	665	737
LoLPatcherUx.exe	44132	151.101.193.62	55	559	614
LoLPatcherUx.exe	44132	pcdn01.sfo01.nsone.co	24	292	316
LoLPatcherUx.exe	44132	a23-72-136-49.deploy.static.akamaitechnologies.com	90	74	164
LoLPatcherUx.exe	44132	pschedlb02.lga02.nsone.co	25	29	54
LoLPatcherUx.exe	44132	pblb01.lga02.nsone.co	30	13	43
X1ServiceHost.exe	46756	ow-in-f109.1e100.net	3,913	609,650	613,563

Network Activity 47 Kbps Network I/O

Filtered by LeagueClientUx.exe, LeagueClient.exe, LeagueClient.exe

Image	PID	Address	Send (B/sec)	Receive (B...	Total (B/sec)
LeagueClient.exe	8288		126,629	183	126,812
LeagueClient.exe	8288	192.64.174.65	1,568	27,396	28,964
LeagueClient.exe	8288	104.16.44.1	338	862	1,200
LeagueClient.exe	8288	a96-16-6-58.deploy.akamaitechnologies.com	155	879	1,033
LeagueClient.exe	8288	52.89.219.192	579	331	911
LeagueClient.exe	8288	192.64.174.69	263	518	781
LeagueClient.exe	8288	104.16.10.33	169	449	618
LeagueClient.exe	8288	ec2-35-164-104-40.us-west-2.compute.amazonaws.com	95	457	552
LeagueClient.exe	8288	54.244.124.241	87	316	403
LeagueClient.exe	8288	104.16.119.50	86	298	384
LeagueClient.exe	8288	a96-16-6-96.deploy.akamaitechnologies.com	55	318	373
LeagueClient.exe	8288	96.16.216.76	73	250	323
LeagueClient.exe	8288	35.161.141.23	68	219	287
LeagueClient.exe	8288	104.16.61.122	9	50	59
LeagueClient.exe	8288	151.101.193.62	4	29	33
LeagueClientUx.exe	23884		183	126,629	126,811
LeagueClientUx.exe	23884	dfw06s46-in-f14.1e100.net	132	37,938	38,070
LeagueClientUx.exe	23884	67.220.143.67	462	37,554	38,016
LeagueClientUx.exe	23884	216.58.194.46	3,191	10,669	13,860
LeagueClientUx.exe	23884	52.88.5.62	2,286	2,408	4,695
LeagueClientUx.exe	23884	216.58.218.110	83	3,064	3,147
LeagueClientUx.exe	23884	209.170.117.8	160	1,913	2,073
LeagueClientUx.exe	23884	dfw25s27-in-f4.1e100.net	83	789	872
LeagueClientUx.exe	23884	dfw25s07-in-f98.1e100.net	84	443	528
LeagueClientUx.exe	23884	dfw06s48-in-f6.1e100.net	82	401	484

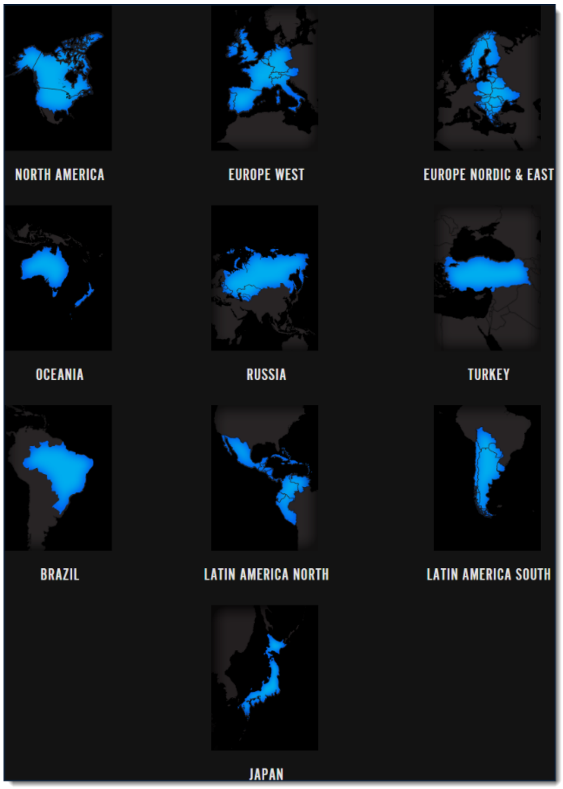
23. Riot Games also supports both peer-to-peer and direct from Riot Games transfer.

DEEP TERROR NAMI (NA) - 11 months ago

Peer-to-peer is a data transfer method which downloads the content from many people "seeding" it out, rather than just from a single source (Riot). Depending on your internet connection, this may be a faster way to download patches. If your download rate with it off feels slow, try it out for a bit and see if it improves.

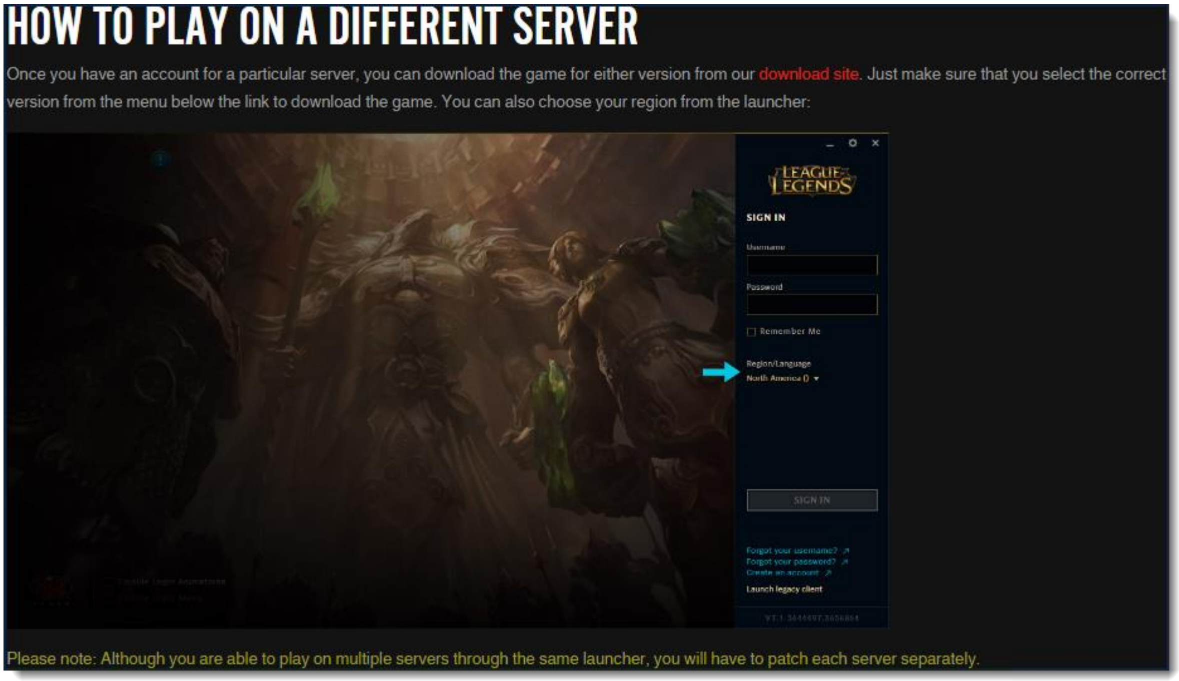
Source: https://boards.na.leagueoflegends.com/en/c/help-support/lAr95iIG-what-is-peer-to-peer-transfer

24. Riot Games has servers throughout the world.


NORTH AMERICA
EUROPE WEST
EUROPE NORDIC & EAST
OCEANIA
RUSSIA
TURKEY
BRAZIL
LATIN AMERICA NORTH
LATIN AMERICA SOUTH
JAPAN

Source: https://support.riotgames.com/hc/en-us/articles/201751684-Separate-Servers

25. A user overseas can join the North American server; and, in doing so, he or she must patch on the North American server:


HOW TO PLAY ON A DIFFERENT SERVER
Once you have an account for a particular server, you can download the game for either version from our download site. Just make sure that you select the correct version from the menu below the link to download the game. You can also choose your region from the launcher:
LEAGUE LEGENDS
SIGN IN
Remember Me
Region/Language
SIGN IN
Launch legacy client
Please note: Although you are able to play on multiple servers through the same launcher, you will have to patch each server separately.

Source: https://support.riotgames.com/hc/en-us/articles/201751684-Separate-Servers

26. Riot Games has directly infringed, and continues to directly infringe one or more claims of the ’228 Patent, including at least Claim 1, in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Riot Games system during the pendency of the ’228 Patent which software and associated backend server architecture *inter alia* allow for receiving users’ requests for service (for example, upgrades), determining the service requested (for example, provide an upgrade), and providing the upgrade to the user in response to the request received by Riot Games from the remote user location.

27. In addition, should the Riot Games portal be found to not literally infringe one or more claims of the ’228 Patent, the Riot Games portal would nevertheless infringe one or more claims of the ’228 Patent. More specifically, the Riot Games portal performs substantially the same function (providing a service to a remote user location), in substantially the same way (via a request for service from the user’s remote device), to yield substantially the same result (allowing a user to receive a service, such as an upgrade to an installed Riot Games application). Riot Games would thus be liable for direct infringement under the doctrine of equivalents.

28. Riot Games has indirectly infringed and continues to indirectly infringe at least claim 1 of the ’228 Patent in this judicial district and elsewhere in Texas by, among other things, actively inducing the using, offering for sale, selling, or importing the Riot Games platform. Riot Games’ customers who use the Riot Games platform in accordance with Riot Games’ instructions directly infringe one or more of the foregoing claims of the ’228 Patent in violation of 35 U.S.C. § 271. Riot Games directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installation and/or user guides such as those located at one or more of the following:

- leagueoflegends.com, including various subdomains
- youtube.com

Riot Games is thereby liable for infringement of the ’228 Patent under 35 U.S.C. § 271(b).

29. Riot Games has indirectly infringed and continues to indirectly infringe one or more claims of the ’228 Patent, including at least claim 1, in this judicial district and elsewhere in Texas by, among other things, contributing to the direct infringement by others including, without limitation customers using the Riot Games portal, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the ’228 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

30. For example, the Riot Games software is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Riot Games portal software is a material part of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Riot Games is, therefore, liable for infringement under 35 U.S.C § 271(c).

31. Riot Games will have been on notice of the ’228 Patent since, at the latest, the service of this complaint upon Riot Games. By the time of trial, Riot Games will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims of the ’228 Patent.

32. Riot Games may have infringed the ’228 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Riot Games platform. Uniloc reserves the right to discover and pursue all such additional infringing software.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Riot Games as follows:

(A) declaring that Riot Games has infringed the ’228 Patent;

(B) awarding Uniloc its damages suffered as a result of Riot Games’ infringement of the ’228 Patent;

(C) enjoining Riot Games, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, and parents, and all others acting in concert or privity with it from infringing the ’228 Patent;

(D) awarding Uniloc its costs, attorneys’ fees, expenses, and interest, and

(E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: April 6, 2017

Respectfully submitted,

/s/ James L. Etheridge

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